

## MEMORANDUM

TO: All Parties to Fiber Technologies Networks, D.T.E. 02-47  
FROM: Jesse S. Reyes, Hearing Officer  
RE: Filing of Documents; Fibertech Motion for Reconsideration and Clarification  
DATE: January 17, 2003

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### I. Filing of Documents

In addition to the procedural rules of the Department of Telecommunications and Energy ("Department"), set forth at 220 C.M.R. §§ 1.00 et seq., the following rules, which may be modified by the Hearing Officer upon good cause shown, shall apply to all further documents filed in this proceeding:

#### 1. Filing and Number of Copies

Documents are deemed filed upon receipt by the Department of the original paper copies, not upon mailing or electronic submission. One (1) original must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, and four (4) copies are to be submitted to the Hearing Officer. In addition, one (1) copy must be served on the same date, in hand or by first class mail, to all persons indicated on the latest distribution list in this proceeding.

#### 2. Electronic copies

When feasible, copies of all nonproprietary documents that are filed with the Department must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dte.efiling@state.ma.us](mailto:dte.efiling@state.ma.us); or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) an easily identifiable case caption, (2) docket number D.T.E. 02-47, (3) name of the party submitting the filing, and (4) title of the document. The electronic filing should also include the name, title, and phone number of a person to contact in the event of questions about the filing. Electronic

copies should be written in either Word Perfect (naming the document with a “.wpd” suffix), Microsoft Word (naming the document with a “.doc” suffix), or Adobe Acrobat (naming the document with a “.pdf” suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. Documents submitted in electronic format will be posted on the Department’s website, <http://www.mass.gov/dpu>. Electronic copies must also be provided to all persons on the distribution list for this proceeding.

Electronic copies must be submitted on the same date that paper copies are filed with the Department. Electronic submission is not a substitute for filing and service of materials.

## II. Responses to Fibertech Motion for Reconsideration and Clarification

On January 15, 2003, Fiber Technologies Networks, L.L.C. (“Fibertech”) filed with the Department a Motion for Reconsideration and Clarification of Fiber Technologies Networks, L.L.C., D.T.E. 02-47 (2002). Pursuant to 220 C.M.R. § 1.11(10), parties may have a “reasonable opportunity to respond to a motion for reconsideration.” On January 16, 2002, the Hearing Officer set a January 29, 2003 deadline for filing responses. On January 17, 2002, Verizon New England, Inc. d/b/a Verizon Massachusetts (“Verizon”), Western Massachusetts Electric Company (“WMECo”), and Massachusetts Electric Company (“MECo”) informed the Hearing Officer that they had not yet received Fibertech’s motion and requested that the deadline be extended to afford them a two-week response period from the time of receipt by the parties.

Because the parties did not receive copies of Fibertech’s motion on the date that the motion was filed, I find good cause to extend the response period by three business days to allow for time for receipt by mail. The parties’ responses, however, are to be filed and served in the manner described above, no later than the close of business on February 4, 2003. In addition, I direct Fibertech to submit electronic copies of its Motion for Reconsideration and Clarification in the manner described above, no later than January 21, 2003.

Finally, although MECo is not a party to this proceeding, I will permit MECo to submit comments on Fibertech’s motion, but only to the extent that consideration of the motion may affect the Department’s finding that Fibertech’s earlier motion to amend its complaint to add MECo as a respondent is moot. See D.T.E. 02-47, at 7. The allowance of filing of comments by MECo is not to be construed as granting MECo status as a full party intervenor or as a limited participant, nor is it to be construed as granting Fibertech’s motion to amend.

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